

7:27-8.11

AIR POLLUTION CONTROL

7:27-8.11 Service fees

(a) Any person subject to the provisions of this subchapter shall submit with each application for a permit, an operating certificate or a renewal thereof, or with a request for an amendment or a banking service, as an integral part thereof, a non-refundable base service fee in accordance with the Base Fee Schedule.

(b) Prior to taking final action on any application for a permit, an operating certificate or a renewal thereof, or on any request for an amendment or a banking service, the Department will invoice each applicant for any additional fees due to the Department, assessed in accordance with the Base Fee Schedule and the Supplementary Fee Schedule. The applicant shall submit any fees so assessed to the Department within 60 days of receipt of the invoice.

(c) The Base Fee Schedule and the Supplementary Fee Schedule are applicable to all applications on which the Department makes its decision on or after the date on which this section is operative.

(d) An additional service fee will not be assessed solely for the failure by the applicant to submit a complete application, pursuant to this subchapter, provided that the applicant, within 30 days of receipt of the written request from the Department, or within a longer time period if so specified in writing by the Department, submits in writing the requested supplementary information to the Department.

7:27-8.10 Revocation

(a) The Department may revoke its approval of a certificate or a renewal thereof, if the person to whom the Department has issued the certificate:

1. Uses, or allows to be used, equipment or control apparatus not in compliance with any provision or condition of approval of the certificate, or any renewal thereof, or with any applicable Federal, State, or local law, regulation, or rule;

2. Constructs or alters, or allows to be constructed or altered, equipment or control apparatus without applying for and obtaining from the Department approval of a permit for such alteration of the equipment or control apparatus;

3. Fails to allow lawful entry by authorized representatives of the Department, pursuant to N.J.A.C. 7:27-8.25;

4. Fails to report to the Department a change in the permit or certificate information, required pursuant to N.J.A.C. 7:27-8.3(c) and 8.9(e), as an amendment of the permit or certificate, within 120 days of the occurrence of the change;

5. Fails to pay any penalty assessed pursuant to a final order issued by the Department;

6. Fails to pay any outstanding service fees, charged in accordance with the schedules contained in N.J.A.C. 7:27-8.11, within 60 days of receipt of a fee invoice or, in the case of a renewal of a certificate, by the date of expiration of the certificate being renewed;

7. Fails to reimburse the Department within 60 days after receipt of an invoice for any of the following charges incurred by the Department:

i. The charges billed by any telephone company for the maintenance of a dedicated telephone line required by the conditions of approval of a permit or certificate for the electronic transmission of data; or

ii. The charges billed by any laboratory for performing the analysis of audit samples collected pursuant to monitoring any testing required by the conditions of approval of a permit or certificate; or

8. Fails to dispose lawfully of all aqueous and solid wastes generated as a result of the operation of the equipment or control apparatus.

(b) The Department may revoke any approval of any application, if it determines that the approval authorizes a contravention of Federal or State laws, regulations, rules, or procedural requirements.

(c) Any notice of revocation issued by the Department shall be in writing.

New Rule, R.1991 d.109, effective March 4, 1991 (operative March 31, 1991).
See: 22 N.J.R. 292(a), 23 N.J.R. 723(a).

A. BASE FEE SCHEDULE

Activity	Basis	Amount
1. Permit Application ¹		
a. Category I	Per Application	\$100.00
b. Category II	Per First New or Altered Piece of Equipment or Control Apparatus Listed in N.J.A.C. 7:27-8.2(a) per Application	500.00
	Per Each Additional New or Altered Piece of Equipment or Control Apparatus Listed in N.J.A.C. 7:27-8.2(a) in an Application	350.00
2. Certificate Application		
a. Category I	Per Operating Certificate	150.00
b. Category II	Per Operating Certificate	500.00
3. Amendment		
a. Change in business name, division name or plant name; mailing address; or company stock designation	Per Permit	50.00
b. Transfer of Ownership		
c. Any change listed in N.J.A.C. 7:27-8.3(c)3, 4, 5, or 6	Per Permit	50.00
	Per Change	200.00
4. Certificate Renewal		
a. Category I	Per Operating Certificate	250.00
b. Category II	Per Operating Certificate	500.00
5. Banking		
a. Base Application Review	Per Source Operation	200.00
b. Verification	Per Source Operation	200.00
c. Transfer of Facility Ownership	Per Source Operation	50.00

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- d. Withdrawal of Credits
 - e. Donation of Credits to the State of New Jersey
- Should both Category I and Category II equipment and control apparatus be included in a single application, the new or altered Category I equipment and control apparatus will be subject to the Category I fee; and the new or altered Category II equipment control apparatus will be subject to the Category II fee.

Per Source Operation 200.00
Per Donation 0.00

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B. SUPPLEMENTARY FEE SCHEDULE

Activity	Basis	Amount
1. Prevention of Significant Deterioration		
a. Engineering Review	Per Applicable Air Contaminant	\$500.00
b. Implement Public Comment Requirement	Per Comment Period	500.00
2. Ambient Air Monitoring		
a. Review Protocol	Per Protocol	500.00
b. Inspect Monitoring Locations and Equipment Installation	Per Inspection	500.00
c. Review Quality Assurance Plan	Per Plan	500.00
d. Review Data	Per Required Report	500.00
3. Air Quality Impact Analysis		
a. Evaluate Protocol	Per Protocol	500.00
b. Review Screening Modeling	Per Review	500.00
c. Review Refined Modeling	Per Review	500.00
4. Risk Assessment		
a. Evaluate Protocol	Per Protocol	500.00
b. Review Risk Assessment	Per Review	500.00
5. Testing		
a. Evaluate Source-Specific Testing Protocol	Per Protocol	450.00
i. Process Materials Testing		

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ii. Source Emission Testing	Per Protocol	500.00
b. On-site Monitoring of Sample Collection Pursuant to an Approved Source-Specific Testing Protocol		
i. Process Materials Testing		
ii. Source Emissions Testing	Per Collection Event	200.00
c. Review Testing Report	Per Performance Test	500.00
i. Process Materials Testing		
ii. Source Emissions Testing	Per Report	200.00
	Per Report	500.00
6. Audit Performance of Continuous Emission Monitors		
a. Evaluate Protocol	Per Protocol Per Permit	500.00
b. Observe Testing	Per Protocol Per Permit	300.00
c. Review Testing Report	Per Report	500.00
7. Periodic Compliance Inspection	Per Inspection Per Certificate	200.00

New Rule, R.1991 d.109, effective March 4, 1991 (operative March 31, 1991).

Sec: 22 N.J.R. 292(a), 23 N.J.R. 723(a).

Amended by R.1992 d.102, effective March 2, 1992 (operative March 28, 1992).

Sec: 23 N.J.R. 1858(b), 24 N.J.R. 792(a).

Deleted references and fee schedule regarding mathematical combinations.

7:27-8.12 Request for an adjudicatory hearing

(a) An applicant who believes himself or herself to be aggrieved with respect to any decision made by the Department regarding any permit and certificate, amendment, certificate renewal, variance, or registration, may contest the decision and request a contested case hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the New Jersey Uniform Administrative Procedure Rules, N.J.A.C. 1:1, if the Department:

1. Denies an application, or any part thereof;
2. Has, in the judgement of the applicant, imposed an unreasonable condition on its approval of an application;
3. Revokes or withdraws a previously issued approval; or
4. Denies the request for a stay under N.J.A.C. 7:27-8.13.

(b) Requests for a contested case hearing shall be submitted to:

Office of Legal Affairs

ATTENTION: Adjudicatory Hearing Requests

Department of Environmental Protection and Energy

401 East State Street

CN 402

Trenton, New Jersey 08625-0402

(c) All requests for a contested case hearing must be received by the Department within 20 days of the date upon which the notice of decision was received.

(d) All requests for a contested case hearing must be submitted by the applicant in writing to the Department in accordance with (b) above and shall contain:

1. The name, address and telephone number of the person making such request;
2. A statement of the legal authority and jurisdiction under which the request for a hearing is made;
3. A brief and clear statement of specific facts describing the Department decision being appealed, as well as the nature and scope of the interest of the requester in such decision; and
4. A statement of all facts alleged to be at issue and their relevance to the Department decision for which a hearing is requested. Any legal issues associated with the alleged facts at issue must also be included.

(e) The Department shall determine whether any request for a contested case hearing should be granted. In making such determination, the Department shall evaluate the request to determine whether a contested case exists and whether there are issues of fact which, if assumed to be true, might change the Department's decision. Where only issues of law are raised by a request for a hearing, the request will be denied. Denial